



July 2, 2014

Freedom of Information Officer
U.S. EPA Region 5 (MI-9J)
77 West Jackson Blvd.
Chicago, IL 60604-3590

RE: FOIA Request and Fee Waiver Request – Response and Investigation of March 2014 BP Whiting Oil Spill

Dear Freedom of Information Officer:

Pursuant to the Freedom of Information Act (FOIA), the Alliance for the Great Lakes (Alliance) requests an electronic copy of all Environmental Protection Agency memoranda and reports concerning the oil spilled into Lake Michigan from the BP refinery in Whiting, Indiana on March 24, 2014 and the resulting government's response, oversight of cleanup and investigation of the incident.

Since the files and documents requested will be primarily used to benefit the general public, I ask that all fees associated with the processing of this request be waived. The Alliance is a nonprofit environmental organization headquartered in Chicago, with offices in Michigan, New York, Ohio and Wisconsin. The Alliance works to conserve and restore the world's largest freshwater resource through policy, education and local efforts, ensuring that our Great Lakes are preserved for generations of people and wildlife. The work of the Alliance benefits the public in a myriad of ways, and the information requested will be used as part of the Alliance's water quality advocacy work.

In support of the fee waiver request, the subject of the documents requested is a matter of public interest because information on this subject will contribute significantly to public understanding of the impact of the BP oil spill on the health of the water in Lake Michigan and of EPA's response. Given that Lake Michigan serves as a source of drinking water, food and recreation for millions of people, the public should be made aware of the health of the water and shoreline. The Alliance regularly communicates information like the kind requested to the public through the use of a website, newsletters and social media and intends to publicize the requested information via similar methods.

I will now address six factors that weigh in favor of granting a complete waiver of all fees related to this FOIA request:

1. *The subject matter of the requested records must specifically concern identifiable operations or activities of the government.* The documents requested concern identifiable activities of the government because they directly concern EPA's response, evaluation and investigation of the March 2014 BP oil spill in Lake Michigan.
2. *For the disclosure to be "likely to contribute" to an understanding of specific government operations or activities, the releasable material must be meaningfully informative in relation to the subject matter of the request.* The requested documents would likely contribute to an understanding of EPA's response and

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investigation of the March 2014 BP oil spill because the requested documents would provide information about the indicators used to evaluate the damages and causes of the spill as well as the data resulting from an evaluation and investigation. Since spills have a serious impact on the health of the Lakes as well as on the many members of the public who use or live along the Great Lakes, the information requested is of direct public interest.

3. *The disclosure must contribute to the understanding of the public at large, as opposed to the understanding of the requester or a narrow segment of interested persons.* The health of Lake Michigan immediately concerns all individuals who rely on the Great Lakes for drinking water, work and recreation. The Alliance has over 10,000 volunteers and members who are concerned about the Great Lakes. The Alliance uses its website (www.greatlakes.org), a monthly e-newsletter, as well as other means to communicate information to the public and intends to publicize the requested information via similar methods. The disclosure of the requested information will aid the public in understanding the actions that EPA has taken to respond to and investigate the March 2014 BP oil spill in Lake Michigan.
4. *The disclosure must contribute "significantly" to public understanding of government operations or activities.* The Alliance's ability to evaluate and disseminate information regarding the government response to the March 2014 BP oil spill would contribute significantly to public understanding of measures taken by the government to monitor, respond and investigate oil spills generally and the March 2014 BP oil spill specifically. Without access to this information, the public cannot know what measures have been taken to evaluate and otherwise respond to the risks that the oil spill posed to the water and, therefore, wildlife and people. The documentation requested could potentially provide an in-depth understanding of the impacts of the oil spill and effectiveness of the cleanup and response.
5. *The extent to which disclosure will serve the requester's commercial interest, if any.* The Alliance has no commercial interest. The Alliance for the Great Lakes is a nonprofit environmental organization that works to conserve and restore the world's largest freshwater resource through policy, education, and local efforts, ensuring that our Great Lakes are preserved for generations of people and wildlife.
6. *The extent to which the identified public interest in the disclosure outweighs the requester's commercial interest.* Because the Alliance has no commercial interest, this factor can only weigh in favor of the Alliance's request for disclosure. Furthermore, the public has a strong interest in understanding EPA's response and investigation of the March 2014 BP oil spill in Lake Michigan and the impact of that spill on the health of the water.

If additional information is needed concerning the fee waiver request or this FOIA request generally, please contact me at 312-445-9739 or via email at lwelch@greatlakes.org. If a fee request is not granted and the subsequent fee associated with this request will exceed \$50, I respectfully ask that you contact me before providing any of the requested documents.

Sincerely,

A handwritten signature in blue ink that reads "Lyman C. Welch". The signature is fluid and cursive, with the first name "Lyman" being more prominent.

Lyman C. Welch
Water Quality Program Director